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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,759	04/14/2004	Kuo-Rong Chen	OP-093000122 5064	
7590 09/26/2006			EXAMINER	
Yi-Wen Tseng			SANEI, HANA ASMAT	
4331 Stevens Battle Lane Fairfax, VA 22033			ART UNIT	PAPER NUMBER
• ·····, · · · · ·			2879	
			DATE MAILED: 09/26/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)				
Office Action Cummons	10/823,759	CHEN ET AL.				
Office Action Summary	Examiner	Art Unit				
	Hana A. Sanei	2879				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply						
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).						
Status		•				
1) Responsive to communication(s) filed on 02 Se	)⊠ Responsive to communication(s) filed on <u>02 September 2006</u> .					
,	·					
	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.						
Disposition of Claims						
• 4)⊠ Claim(s) <u>1-5 and 11-18</u> is/are pending in the application.						
4a) Of the above claim(s) <u>11-17</u> is/are withdrawn from consideration.						
5) Claim(s) is/are allowed.						
6)⊠ Claim(s) <u>1-5 and 18</u> is/are rejected.						
7) Claim(s) is/are objected to.						
8) Claim(s) are subject to restriction and/or election requirement.						
Application Papers						
9) The specification is objected to by the Examiner.						
10)⊠ The drawing(s) filed on <u>4/14/04</u> is/are: a)⊠ accepted or b)□ objected to by the Examiner.						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).						
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.						
Priority under 35 U.S.C. § 119						
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of:						
1. Certified copies of the priority documents have been received.						
2. Certified copies of the priority documents have been received in Application No						
3. Copies of the certified copies of the priority documents have been received in this National Stage						
application from the International Bureau (PCT Rule 17.2(a)).						
* See the attached detailed Office action for a list of the certified copies not received.						
	•					
Attachment(s)						
1) Notice of References Cited (PTO-892)	4) Interview Summary Paper No(s)/Mail D					
<ul> <li>2) Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>3) Information Disclosure Statement(s) (PTO/SB/08)</li> </ul>	5) D Notice of Informal F					
Paper No(s)/Mail Date 6) Other:						

Art Unit: 2879

#### **DETAILED ACTION**

### Response to Amendment

The Amendment, filed on 9/02/06, has been entered and acknowledged by the Examiner.

Cancellation of claims 6-10 has been entered.

Claims 1-5,11-18 are pending in the instant application.

Claims 11-17 have been withdrawn.

The finality of the previous outstanding action, filed on 7/28/06, has been withdrawn.

## Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Tomii et al (US 5160871).

Regarding Claim 1, Tomii teaches a first conductive layer (215, focusing electrode, see at least Fig. 7) to serve as a converging electrode layer having a proximal surface facing the anode units (216) and a distal surface opposing to the proximal surface, the first conductive layer comprising a plurality of first apertures (219) extending therethrough, a glass plate formed (231, 232, glass, Col. 8, lines 60-64, Fig. 9) on the proximal surface of the first conductive layer and including a plurality of

Application/Control Number: 10/823,759 Page 3

Art Unit: 2879

second apertures (partitioning of 231, 232, see Fig. 9), an insulation layer (231') formed on the distal surface of the first conductive layer, a second conductive layer (213, gate electrode) formed on the insulation layer to serve as a gate electrode layer, the second conductive layer having a proximal surface facing the cathode units (212) and a distal surface opposing the proximal surface, wherein the second conductive layer includes a plurality of third apertures (218) extending therethrough and aligned with the first and second apertures, wherein a plurality of isolation slits (strips of 213) extend across the second conductive layer so that a pair of conductive strips are formed at two elongated sides of each third aperture, each pair of the conductive strips constructs an independent conductive paths to be biased with a potential and a gate operative to drain electrons from the cathode unit between the pair of conductive strips is formed (see at least Fig. 7).

Regarding Claim 2, Tomii teaches that each second aperture (partitioning of 231, 232, see Fig. 9) is aligned with one corresponding first aperture (219).

Regarding Claim 3, Tomii teaches that each second aperture covers an opening range of a row or column of the first aperture (refer to Fig. 9)

Regarding Claim 4, Tomii teaches that each third aperture (218) is aligned with one corresponding first aperture (219).

Regarding Claim 5, Tomii teaches that each third aperture (218) covers an opening range of a row or column of the first aperture (refer to Fig. 9).

Regarding Claim 18, Tomii teaches that each first aperture (219, refer to Fig. 9) is aligned with a corresponding anode unit (216 M) with a phosphor layer (216P, R-G-B) and a cathode unit (211) with an emission layer (212).

### Response to Arguments

The examiner notes that the indication of allowable subject matter for claims 1-5, 18 is withdrawn in view of a newly discovered prior art.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

#### Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hana A. Sanei whose telephone number is (571) 272-8654. The examiner can normally be reached on Monday- Friday, 9 am - 5 pm.

Application/Control Number: 10/823,759 Page 5

Art Unit: 2879

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimeshkumar D. Patel can be reached on (571) 272-2457. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hana A. Sanei Examiner Joseph Williams Primary Examiner